

**STATE OF NEW YORK: SUPREME COURT
COUNTY OF BROOME**

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JOHN DOE,

Plaintiff,

-vs-

COMPLAINT

**THE BOYS AND GIRLS CLUB OF WESTERN
BROOME, INC., a/k/a LOUIS N. PICCIANO
BOYS' CLUB INC., a/k/a BOYS' CLUB OF
GREATER ENDICOTT, INC.,**

Defendants.
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Plaintiff complaining by and through his attorney, Law Office of Ronald Benjamin
alleges as follows:

1. This action is commenced IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims.
2. Plaintiff John Doe resides in Madison County and is the victim of child abuse as is more fully set forth below and therefore proceeds by using a pseudonym pursuant to section 50 B (2). Of the Civil Rights Law of the State of New York protecting plaintiffs' identity as a child abuse victim.
3. Defendant Boys Club of Western Broome, a.k.a. Louis M. Picciano Boys Club and a.k.a. Greater Endicott Boys Club is a New York corporation with offices

located at 1 Clubhouse Rd., Endicott, NY. (Hereafter Boys Club)

4. That the defendant Boys Club provided varying recreational activities to children in the Endicott area on a daily basis at all times herein mentioned.
5. That around 1976 the plaintiff was hired by "Slim" to work at the Boys and Girls Club.
6. That at the aforesaid time the defendant employed a Gerald Berg who ran the pool and was otherwise responsible for supervising children attending the Boys Club.
7. Upon information and belief, officer's agents and officials of the Boys Club failed to properly screen Berg to ensure that he was competent and did not have any propensities to engage in sexual abuse or other unsavory activities.
8. Upon information and belief, some time prior to the time plaintiff commenced employment at the Boys Club he was subjected to sexual abuse by Berg which should have been discovered by agents, officers and employees of the Boys Club sometime prior to plaintiffs' employment at the club.
9. That after plaintiff started working at the Boys Club Berg engaged him in conversation including asking him if he had any playboy magazines and told the plaintiff to bring them into work.
10. That about 3 weeks later the plaintiff brought the playboys to work with him at the Boys Club, Berg took him into his office and pulled his swim trucks down, masturbated him and performed oral sex.
11. That about 1-2 weeks after the aforesaid incident Berg invited the plaintiff to his house for a beverage and lunch. They ended up in bed naked with the plaintiff being on the bottom and Berg on top of him. Berg tried penetrating the plaintiff in

which he told him “stop, stop, stop that hurts. Take me home”

12. That the only recollection plaintiff has of conversations during the time the aforesaid activity was taking place was that it had to be kept a secret so plaintiff did not tell anyone.
13. That at some point plaintiff mentioned the same to his parents and was taken to the Endicott Police Department by his parents where a report was made concerning the aforesaid activity.
14. That at approximately the same time plaintiff reported this to his parents he began to realize the conduct was wrong, but also mistakenly believed it was his fault and was consumed by overwhelming feelings of guilt and thinking he was now going to be gay which is against his upbringing and religious beliefs.
15. The plaintiff had aspirations of becoming a police officer after he graduated but he was so distraught he dropped out of school during ninth-grade.
16. That around the same time the plaintiff began drinking and doing drugs to numb the pain, guilt and emotions that haunted him from the incident with Berg and the thoughts that he may now be gay which still continue to haunt him as a grown man.
17. That plaintiff was so devastated by the experience and overwhelming feelings of guilt he was unable to return to school and lost forever the ability to experience going to high school.
18. That the plaintiff continues to be saddled with feelings of guilt, and being deprived of a normal childhood and his becoming an alcoholic because of the inability to cope with feelings of both guilt and anger at what happened to him.

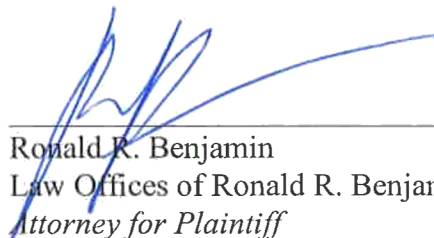
19. That plaintiff was so ashamed of what happened he never went to seek counseling as he could never bring himself to discuss any of the events that transpired and as such has been further victimized by not being able to move toward rehabilitating himself.
20. That the injury to the plaintiff as set forth above occurred because in the first instance Boys Club failed to properly screen individuals responsible for the health, welfare and safety of the children it supervised to ensure they will fully competent and of good moral character such that they could be in the presence of a properly supervise young children as are the responsibility of the defendant carrying out its duties.
21. That defendant was further negligent in failing to properly supervise and monitor Berg allowing him to maintain totally inappropriate contacts with multiple young children whom he was able to lure into the deviant behavior described herein and causing the injury to the plaintiff as set forth herein.
22. That the defendant is further responsible for plaintiffs' injury pursuant to the doctrine of respondent superior.
23. That plaintiff has suffered throughout his lifetime with the aftermath of the abusive activity of Gerald Berg and continues to suffer from the same.
24. That plaintiff is entitled to compensatory damages against the defendant in an amount to be proven at trial.
25. That to the extent the conduct of any of the agents, officers and employees of the defendant evinced a reckless disregard for the health, welfare and safety of the children it supervised the plaintiff is entitled to exemplary damages.

26. That the amount of damages sought by the plaintiff is in excess of the jurisdiction of all lower courts in the State of New York.

WHEREFORE, plaintiff demands judgment against the defendant as follows:

1. Award plaintiff compensatory damages in an amount to be proven at trial.
2. Award plaintiff exemplary damages in an amount to be proven at trial.
3. Award plaintiff such other and further relief as the court deems just and proper under the circumstances, including the costs and disbursements of this action.

Dated September 5, 2019
Binghamton, New York



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